

CIVCAL4

PROBATE/GUARDIANSHIP/CONSERVATORSHIP CALENDAR

HONORABLE JUDGE JAMES C MCGUIRE

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DATE: 01/10/05      TIME: 8:30      DEPT: MPR  
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CASE #: MG MS00378

CASE NAME: GUARDIANSHIP OF JORGE SERVIN JR.

HEARING:  
OSC re: Review

	COUNSEL:
LEVI JACKSON	(PET)...PRO/PER
VALERIE JACKSON	(PET)...PRO/PER
JORGE SERVIN JR	(MIN)...

GENERAL INFORMATION:

This case is set for hearing on Petition for Termination, filed by guardians  
Court heard petition ex parte on 12-9-04 and allowed minor to live with mother on trial  
basis, and then set this matter for review

THE FOLLOWING ISSUES AND/OR DEFICIENCIES IN THE PAPERS ARE NOTED:

1. Need to file proof of service on relatives. No notice is needed to tribal council, as they have already stated minor is ineligible for their services and not subject to ICWA.
2. Temporary letters issued in August 2004 because mother was homeless.
3. Minor is 15.

RECOMMENDATION:

Need service on relatives. Court may wish to request CI report if there is any concerns regarding the minor's placement with mother. Alternative is foster care if mother cannot care for the child, as the guardians do not wish him back in their home.

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CASE #: MG MSMS00338

CASE NAME: GUARDIANSHIP OF TIMOTHY J LANE

HEARING:

Hearing re: PETITION FOR APPOINTMENT OF SUCCESSOR GUARDIAN

COUNSEL:

LESLIE CATHLENE HARE      (PET)...PRO/PER

TIMOTHY J LANE      (MIN)...

VICTORIA C HARE      (PET)...PRO/PER

GENERAL INFORMATION:

This case is set for hearing on Petition for Successor Guardian, person only, by maternal aunt, minor 12

Guardianship issued to maternal grandmother earlier in 2004 with consent of parents, she is now deceased

THE FOLLOWING ISSUES AND/OR DEFICIENCIES IN THE PAPERS ARE NOTED:

1. Temporary successor letters issued 12-16-04.
2. Mother signed waiver and consent.
3. Father signed nomination, which does not have the same legal effect as a waiver and consent. Need proof of personal service on father.
4. Need to file notice of hearing and proof of mailed service on minor, as he is now 12.

RECOMMENDATION:

Need notice

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CASE #: MPRMS00843

CASE NAME: In the Matter of the McLEOD Family Trust

HEARING:

Hearing re: PET'N FOR SETTLEMENT OF 1ST ACCOUNT & REPORT

COUNSEL:

VICTORIA LYNNE FULLER      (PET)...PRO/PER  
RODERICK O'NEAL MCLEOD      (D/T)...  
RODERICK O'NEAL MCLEOD      (HARTNELL HORSPOOL & FOX  
)...HARTNELL  
CHRISTINE ANNE HILLIARD      (PRO/PER      )...PRO/PER  
AMERICAN CONSTRUCTOR'S INDEMNITY(GARY WAYNE BURGER      )...GARY  
WAYN  
D JOYCE ENGEL      (MICHAEL S KHAN      )...MICHAEL S

GENERAL INFORMATION:

This case is set for hearing on 2<sup>nd</sup> Amended Petition for Settlement of First Account and Report of Successor Trustee

First Amended Petition filed on 8-9-04, matter continued from 9-13-04 for correction of Probate Notes

Second Amended Petition filed on 10-14-04

Continued from 11-29-04 to correct the notes

THE FOLLOWING ISSUES AND/OR DEFICIENCIES IN THE PAPERS ARE NOTED:

1. Trustee has paid herself \$117,788.40 for her services from 10-26-02 to 5-25-04. Filed declaration stating she is charging \$100 per hour for trust duties, \$65 per hour for financial management, \$55 per hour for bookkeeping and filing/mailling/clerical at \$45 per hour. Itemized. JTD
2. Surety filed notice of consent to trustee fees.

3. Attorney requesting fees of \$2337.50. Itemized. JTD. Seeking rate of \$275 per hour, which is quite high for this area. No declaration filed regarding basis for such a high hourly fee for this matter (i.e., complex, etc.) Are there any objections by beneficiaries? **Declaration filed regarding the qualifications of the attorney (CPA and certified Specialist) and the rate for attorneys in Coachella Valley, along with a comment that the skills were helpful in that there were complicated accounting issues due to prior court orders. Court may wish to inquire further at hearing, as no specifics as to the complicated issues were stated.**
4. Purpose of the 2<sup>nd</sup> Amendment is not only to address the notes, but to inform the Court of a settlement agreement reached with Roderick O'Neal, who Petitioned for attorney fees payable to Hartnell, Horspool & Fox for \$20000. American Contractor's Indemnity Co. file objections and parties reached an agreement in August 2004 to reduce attorney fees to Hartnell, Horspool & Fox to \$15,000.
5. The distribution plan set forth does not appear to take into account the \$15,000 to be paid in attorney fees per the agreement. **Supplement states that not included in this accounting due to the fact that it falls into the next accounting period.**

RECOMMENDATION:

Once approved, Court need not set any further dates.

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CASE #: MPRMS01079

CASE NAME: ESTATE OF RAYMOND EARL SHETLER

HEARING:

OSC re: Final Discharge

COUNSEL:

PATRICIA LOUI SHETLER      (PET)...DRISKELL & GORDON  
RAYMOND EARL SHETLER      (DEC)...

GENERAL INFORMATION:

This case is set for hearing on Final Discharge

OFF-CALENDAR. Receipt filed and proof of recording filed. Court to sign Final Discharge Order.

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DATE: 01/10/05      TIME: 8:30    DEPT: MPR  
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CASE #: MPRMS01136

CASE NAME: ESTATE OF JOSEPH W. LEONARD

HEARING:  
Accounting Review

COUNSEL:

STEVE CARL TROVATO      (PET)...DONALD C KEMBY  
LEONARD CARL TROVATO      (DEC)...

Off-Calendar. Final accounting already approved.

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DATE: 01/10/05      TIME: 8:30    DEPT: MPR  
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CASE #: MPRMS01233

CASE NAME: ESTATE OF MARY MARGARET MOLLOY

HEARING:

OSC re: FILING OF INVENTORY & APPRAISAL

COUNSEL:

JEANNE RENEE SCHNEIDER      (PET)...GIBBONS & CONLEY  
MARY MARGARET MOLLOY      (DEC)...

GENERAL INFORMATION:

This case is set for hearing on I & A

THE FOLLOWING ISSUES AND/OR DEFICIENCIES IN THE PAPERS ARE NOTED:

1.      Filed a "Partial – One" I & A. Will there be a final?

RECOMMENDATION:

Find out status

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CASE #: MPRMS01235

CASE NAME: ESTATE OF SUMI NISHIKAWA

HEARING:

OSC re: FILING OF INVENTORY & APPRAISAL

COUNSEL:

FRANK AMES

(PET)...D M DAVIS

SUMI NISHIKAWA

(DEC)...

GENERAL INFORMATION:

This case is set for hearing on I & A

THE FOLLOWING ISSUES AND/OR DEFICIENCIES IN THE PAPERS ARE NOTED:

1. Filed it, but need to include copy of bank statements per local rule.

RECOMMENDATION:

Need bank statements.



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CASE #: MPRMS01236

CASE NAME: ESTATE OF JACK ROBERT MAHOLM

HEARING:

OSC re: Inventory & Appraisal

COUNSEL:

NORMA LEE HAYES      (PET)...IGNAZIO  
JACK ROBERT MAHOLM      (DEC)...

GENERAL INFORMATION:

This case is set for hearing on I & A

THE FOLLOWING ISSUES AND/OR DEFICIENCIES IN THE PAPERS ARE NOTED:

1. Filed it and corrected one. Corrected one was filed after Request for Special Notice was filed by E. Carroll Mues. PC 8803 requires upon the filing of the I & A or supplemental I & A, that a copy be mailed to any person requesting special notice. It would appear that the Corrected I & A would fall under the service rule of 8803.

RECOMMENDATION:

Need to file proof of service of I & A. However, the purpose of this review (the filing of the I & A) has been completed and the Court need not set a further hearing or continue this matter as long as the attorney represents that the notice will be filed.

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DATE: 01/10/05      TIME: 8:30    DEPT: MPR  
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CASE #: MPRMS01241

CASE NAME: ESTATE OF ALFRED MALEN SHINN

HEARING:

OSC re: Inventory and Appraisal

COUNSEL:

CAMIE LEE BOOKER	(PET)...
ALFRED MALEN SHINN	(DEC)...

GENERAL INFORMATION:

This case is set for hearing on I & A

THE FOLLOWING ISSUES AND/OR DEFICIENCIES IN THE PAPERS ARE NOTED:

1. Not filed.
2. Executor should note that Request for Special Notice filed by Attorney Gilstrap.

RECOMMENDATION:

Find out status

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DATE: 01/10/05      TIME: 8:30    DEPT: MPR  
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CASE #: MPRMS01288

CASE NAME: MATTER OF AMPARO FRANCO aka AMPARO JUAREZ

HEARING:

Petition for Termination of Guardianship

COUNSEL:

ENRIQUE JUAREZ  
AMPARO FRANCO

(PET)...PRO/PER  
(DEC)...

Dismissed.

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CASE #: MPRMS01290

CASE NAME: ESTATE OF PHILIP ALAN TOCKEY

HEARING:

Petition for Letters of Admin. W/ Limited Authority under IAEA

COUNSEL:

DAVID REAPE-J.G. WENTWORTH SSC(PET)...GREENBERG & BASS  
PHILIP ALAN TOCKEY      (DEC)...

GENERAL INFORMATION:

This case is set for hearing on Petition for Letters of Administration (by creditor), with limited authority

THE FOLLOWING ISSUES AND/OR DEFICIENCIES IN THE PAPERS ARE NOTED:

1. Need to file proof of due publication.
2. Requesting no bond, as the estate is believed to consist only of assets that cannot be paid without probate order (annuity payments from Transamerica). Court should still require minimum bond of \$10,000 and if order is obtained for payment of the funds, then the bond amount can be set higher. Court should also note that Petitioner is not a resident of California.
3. Did not complete box 6a2.

RECOMMENDATION:

Need to clear notes 1 & 3 and bond of \$10,000. Once approved, set hearing for filing of Inventory & Appraisal for 5-16-05. Set hearing for status and/or accounting for 3-13-06. Accountings to be filed 30 days in advance. Note local rules regarding the filing of bank statements.

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CASE #: MPRMS01295

CASE NAME: MATTER OF WILLIAM H. BREDE

HEARING:

Petition to determine succession to Real Property

COUNSEL:

ROBERT E PRENDERGAST, AS TRUST(PET)...IRA N TUCK  
WILLIAM H BREDE                      (DEC)...

GENERAL INFORMATION:

This case is set for hearing on Petition to Determine Succession

THE FOLLOWING ISSUES AND/OR DEFICIENCIES IN THE PAPERS ARE NOTED:

1.      Need to file that portion of the trust showing that petitioner is the trustee (or successor trustee).

RECOMMENDATION:

RFA subject to 1.

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DATE: 01/10/05      TIME: 8:30      DEPT: MPR  
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CASE #: MPRMS01296

CASE NAME: ESTATE OF TIMOTHY HAYES

HEARING:

Petition for Probate, Letters of Tstmnty with full authority  
under IAEA.

COUNSEL:

BETTY KERR

TIMOTHY HAYES

(PET)...LAW OFFICES OF PHILIP FL ICKIN

(DEC)...

GENERAL INFORMATION:

This case is set for hearing on 1<sup>st</sup> Amended Petition for Probate of Will, with full authority

THE FOLLOWING ISSUES AND/OR DEFICIENCIES IN THE PAPERS ARE NOTED:

1.      Need proof of due publication.
2.      Need to file proof of service as to Nancy Coleman (alternate executor named in will).
3.      Need to complete section 4 regarding value of estate.
4.      Need to complete box 6a2, 6a4.
5.      Will waives bond.

RECOMMENDATION:

Need to clear notes 1-4. Once approved, set hearing for filing of Inventory & Appraisal for 5-16-05. Set hearing for status and/or accounting for 3-13-06. Accountings to be filed 30 days in advance. Note local rules regarding the filing of bank statements.

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CASE #: MPRMS01297

CASE NAME: ESTATE OF ARMANDO TEIXERA DIAS

HEARING:

Petition for Probate, Letters of Tstmnty with full authority  
under IAEA.

COUNSEL:

GEORGE HOAGLAND      (PET)...IGNAZIO  
ARMANDO TEIXERA DIAS      (DEC)...

GENERAL INFORMATION:

This case is set for hearing on Petition for Probate of Will, with full authority

THE FOLLOWING ISSUES AND/OR DEFICIENCIES IN THE PAPERS ARE NOTED:

1.      Need to file proof of due publication.
2.      Need to file proof of service on Leota Hoagland (named in will as alternate executor).
3.      Will waives bond.

RECOMMENDATION:

RFA subject to 1 & 2. Once approved, set hearing for filing of Inventory & Appraisal for 5-16-05. Set hearing for status and/or accounting for 3-13-06. Accountings to be filed 30 days in advance. Note local rules regarding the filing of bank statements.